FACT SHEET FOR NPDES PERMIT WA0040444

Marine Industries Northwest, Inc. (MINW)

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INTRODUCTION

The Federal Clean Water Act (FCWA, 1972, and later modifications, 1977, 1981, and 1987) established water quality goals for the navigable (surface) waters of the United States. One of the mechanisms for achieving the goals of the Clean Water Act is the National Pollutant Discharge Elimination System of permits (NPDES permits), which is administered by the Environmental Protection Agency (EPA). The EPA has authorized the State of Washington to administer the NPDES permit program. Chapter 90.48 RCW defines the Department of Ecology's authority and obligations in administering the wastewater discharge permit program.

The regulations adopted by the State include procedures for issuing permits (Chapter 173-220 WAC), water quality criteria for surface and ground waters (Chapters 173-201A and 200 WAC), and sediment management standards (Chapter 173-204 WAC). These regulations require that a permit be issued before discharge of wastewater to waters of the state is allowed. The regulations also establish the basis for effluent limitations and other requirements which are to be included in the permit. One of the requirements (WAC 173-220-060) for issuing a permit under the NPDES permit program is the preparation of a draft permit and an accompanying fact sheet. Public notice of the availability of the draft permit is required at least thirty days before the permit is issued (WAC 173-220-050). The fact sheet and draft permit are available for review (see Appendix A--Public Involvement of the fact sheet for more detail on the Public Notice procedures).

The fact sheet and draft permit have been reviewed by the Permittee. Errors and omissions identified in this review have been corrected before going to public notice. After the public comment period has closed, the Department will summarize the substantive comments and the response to each comment. The summary and response to comments will become part of the file on the permit and parties submitting comments will receive a copy of the Department's response. The fact sheet will not be revised. Comments and the resultant changes to the permit will be summarized in Appendix D--Response to Comments.

GENERAL INFORMATION	
Applicant	Marine Industries Northwest, Inc.
Facility Name and Address	Marine Industries Northwest, Inc 313 East "F" Street Tacoma, Washington 98401
Type of Facility:	Ship Repair and Conversion
SIC Code	3731
Discharge Location	Waterbody name: Middle Waterway, Inner Commencement Bay This permit does not cover direct discharges from this facility. This permit covers incidental discharges from dry-dock, marine railway and pierside operations during ship repair and conversion.
Water Body ID Number	WA-10-0020

BACKGROUND INFORMATION

DESCRIPTION OF THE FACILITY

HISTORY

Marine Industries Northwest, Inc. (MINW) has been operating a shipyard at its present location on the Middle Waterway in Tacoma since 1981. The facility covers approximately 2.8 acres of waterfront on the northwest side of the Middle Waterway. The facility provides a variety of construction and repair services for marine vessels. There is a marine railway and a floating dry dock on-site. This facility was paved and a stormwater collection, treatment, and infiltration system was installed in 1996 and was operational in January 1997. The workforce averages approximately 70-90 union employees.

INDUSTRIAL PROCESS

MINW services on average over 100 vessels annually, with approximately one-fourth of the vessels being serviced on the marine railway, one-fourth on the floating dry-dock, and the remainder at pier side. Figure 1 shows the vicinity map and site plan. Typical operations at this facility consist of:

1. hauling vessels out of the water for the purpose of inspection, repair, maintenance, modification, and/or rebuilding on a 600-ton capacity marine railway and a 2,800-ton capacity floating dry-dock;
2. performing similar activities on vessels while they are moored afloat pier side;
3. structural steel and aluminum work in a covered work area, onboard vessels, alongside the dock, or while on the railway or dry-dock. There are specialized shops or work areas that carry out woodwork and carpentry, pipefitting, machining, and machine shop fabrications, electrical work, and surface preparation and protection consisting of hydroblasting (pressure washing), abrasive blasting, and application of coatings.

This facility has been previously permitted under an NPDES Permit (No. WA0040444) for dry-dock and marine railway stormwater discharge to the Middle Waterway. This facility is also permitted under State Waste Discharge Permit No. ST 6175 for the discharge of treated stormwater, rinse water and treated hydroblast wastewater to ground via an infiltration basin.

MIDDLE WATERWAY SEDIMENT CLEANUP PROGRAM

The Middle Waterway has been identified to be a part of the Commencement Bay Nearshore/Tideflats Superfund Site. Contaminated sediments in Middle Waterway have high concentrations of mercury, copper, and PAHs. The final cleanup plan includes dredging, capping, enhanced natural recovery (thin-layer capping), natural recovery, monitoring, and no action. A combination of these cleanup actions will take place throughout the three main sections of the waterway: the head, mid-section, and the mouth. As of February 21, 2004, the Middle Waterway Action Committee (MWAC) had completed all of the required dredging, capping, and other activities required for the mouth and middle portions of Middle Waterway. The MWAC is made up of Foss Maritime, Pioneer Industries and Marine Industries Northwest.

The post-cleanup monitoring program consists of collecting a round of sediment samples at the 0-year, 3-, 5-, and 10-year interval. The 0-year sampling has just been completed during the late spring/early summer of 2004. At this time, the report from the 0-year sampling event is not available yet.

This permit requires the Permittee provide information documenting that their industrial activity will not be a source of re-contamination of the sediments, or be a cause of new contamination for the following parameters: copper, lead, mercury, nickel, silver, zinc, PAHs, PCBs, and tributyl-tin (TBT). Refer to Special Condition S4 of the permit for more information.

PERMIT STATUS

The previous NPDES Permit for this facility was issued on January 31, 2000 and expired on June 30, 2004. The Permittee also has a State Waste Discharge Permit (No. ST 6175) for the discharge of treated stormwater, rinse water and Hydroblast.

An application for permit renewal of this NPDES Permit was submitted to the Department on February 17, 2004 and accepted by the Department on June 25, 2004.

SUMMARY OF COMPLIANCE WITH THE PREVIOUS PERMIT

The facility last received an announced inspection on July 22, 2004.

The Permittee has incurred a penalty of $20,632 for several violations to both their State Waste Discharge Permit and their NPDES Permit that were incurred during the previous permit cycle (Notice of Penalty Incurred and Due No. DE 1067). The following provides a list of the penalized violations that correspond to the previous State Waste Discharge Permit:

- At the time of the penalty, no monthly stormwater and rinse water monitoring results have been received for the years 2002 and 2003 as required by Special Conditions S2.A and S3.A of the previous permit.
- At the time of the penalty, no Hydroblast water monitoring results have been received for the years 2002 and 2003 as required by Special Conditions S2.B and S3.A of the previous permit.
- Special Condition S2.D of the previous permit establishes semi-annual (twice per year) monitoring requirements for three ground water monitoring wells. These results were to be submitted yearly. At the time of the penalty, only the monitoring results collected on September 28, 2000 were collected.
- Special Condition S4.A requires annual review of the facility's Operations and Maintenance Manual. The Permittee is required to confirm the review by letter and/or Manual update to the Department. At the time of the penalty, the Department had not received any review confirmation letters and/or manual updates.
- General Condition G7 requires the Permittee to apply for permit renewal at least 180 days prior to the expiration date of the permit. This application was due January 2, 2004 and was not received until February 17, 2004.

Failure of the Permittee to monitor and report leaves the Department with no way of determining compliance with the permit limits, does not provide the data needed to evaluate the impact of the discharge on the receiving waters and does not provide the data on the long-term effectiveness of the treatment system. The small amount of data available shows that the discharge limitations in the previous permit were satisfactorily met. In response to these deficiencies, in-light of the penalty incurred, this permit (in conjunction with state waste discharge permit no. ST 6175) requires that additional data is needed to better characterize the effluent which will be collected as part of the monitoring requirements of this permit cycle and will be reviewed and utilized for the next permit. It is also recommended that groundwater enforcement limits and early warning values are needed to protect the groundwater quality as defined in WAC 173-200.

SEPA COMPLIANCE

There are currently no known SEPA compliance issues concerning this facility's incidental discharge to the Middle Waterway.

PROPOSED PERMIT CONDITIONS

BEST MANAGEMENT PRACTICES (BMPs)

This NPDES permit requires MINW to adopt and implement BMPs for the dry-dock, marine railway, and pierside operations. The BMPs will be managed and contained in a Stormwater Pollution Prevention Plan (SWPPP). Previously, the BMPs were managed and contained in a BMP Plan which included the solid and liquid waste and spill control plans. The Department typically requires that these BMPs be managed in the SWPPP as a result of the adoption of the new Stormwater Manual for Western Washington and recent advances in regulating stormwater discharges. At a minimum, all of the BMPs provided in Special Condition S3 of this permit are required to be adopted by the facility and included in the SWPPP. MINW is responsible for properly informing their subcontractors and employees of all BMPs to be implemented.

NARRATIVE CRITERIA

In addition to numerical criteria, "narrative" water quality criteria (WAC 173-201A-030) limit toxic, radioactive, or deleterious material concentrations below those which have the potential to adversely affect characteristic water uses, cause acute or chronic toxicity to biota, impair aesthetic values, or adversely affect human health. Narrative criteria protect the specific beneficial uses of all fresh (WAC 173-201A-130) and marine (WAC 173-201A-140) waters in the State of Washington.

ANTIDEGRADATION

The State of Washington's Antidegradation Policy requires that discharges into a receiving water shall not further degrade the existing water quality of the water body. In cases where the natural conditions of a receiving water are of lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria. Similarly, when the natural conditions of a receiving water are of higher quality than the criteria assigned, the natural

conditions shall be protected. More information on the State Antidegradation Policy can be obtained by referring to WAC 173-201A-070.

The Department has reviewed existing records and is unable to determine if ambient water quality is either higher or lower than the designated classification criteria given in Chapter 173-201A WAC; therefore, the Department will use the designated classification criteria for this water body in the proposed permit. The discharges authorized by this proposed permit should not cause a loss of beneficial uses.

DESCRIPTION OF THE RECEIVING WATER

The facility discharges to Middle Waterway which is designated as a Class B receiving water in the vicinity of the facility's incidental discharge. Characteristic uses include the following:

water supply (industrial, agricultural); stock watering; fish migration; fish and shellfish rearing, spawning and harvesting; wildlife habitat; secondary contact recreation; sport fishing; boating and aesthetic enjoyment; commerce and navigation. Water quality of this class shall meet or exceed the requirements for most uses.

SEDIMENT QUALITY

The Department has promulgated aquatic sediment standards (Chapter 173-204 WAC) to protect aquatic biota and human health. These standards state that the Department may require Permittees to evaluate the potential for the discharge to cause a violation of applicable standards (WAC 173-204-400).

The Department has determined that this discharge has the potential to cause a violation of the sediment quality standards because of the nature of the facility's industrial operation and studies conducted internationally on shipyards' impact on sediment quality. The sediment has also undergone a Superfund Cleanup effort and the sediment quality goals as a result of this Cleanup should be upheld. A condition has been placed in the proposed permit which requires the Permittee to demonstrate that there is not an accumulation of toxics in the sediments.

MONITORING REQUIREMENTS

Monitoring, recording, and reporting are required (WAC 173-220-210 and 40 CFR 122.41) to verify that the conditions of this permit are being met.

Compliance monitoring required as part of this permit includes:

1. documenting that BMPs are being adhered to when working on ships pierside as per Special Condition S3.F, this documentation is to be maintained in a log book and applies to any in-water surface preparation operations of one hour or more in duration and any in-water coating or painting operation involving ½ gallon or more of paint or marine coating.

2. developing a Sediment Sampling and Analysis Plan as per Special Condition S4.A.

3. requiring the collection of sediment data in accordance with the Sediment Sampling and Analysis Plan and submit a report as required in Special Condition S4.B.

4. keeping records of bi-annual Stormwater Pollution Prevention Plan evaluations as required in Special Conditions S7.C and S7.D.

LAB ACCREDITATION

With the exception of certain parameters the permit requires all monitoring data to be prepared by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, *Accreditation of Environmental Laboratories.*

OTHER PERMIT CONDITIONS

SPILL PLAN

The Department has determined that the Permittee stores a quantity of chemicals that have the potential to cause water pollution if accidentally released. The Department has the authority to require the Permittee to develop best management plans to prevent this accidental release under section 402(a)(1) of the Federal Water Pollution Control Act (FWPCA) and RCW 90.48.080.

The Permittee has developed a plan for preventing the accidental release of pollutants to state waters and for minimizing damages if such a spill occurs. The proposed permit requires the Permittee to update this plan and submit it to the Department.

SOLID WASTE PLAN

The Department has determined that the Permittee has a potential to cause pollution of the waters of the state from leachate of solid waste.

This proposed permit requires, under the authority of RCW 90.48.080, that the Permittee update the solid waste plan designed to prevent solid waste from causing pollution of the waters of the state. The plan must be submitted to the local permitting agency for approval, if necessary, and to the Department.

GENERAL CONDITIONS

General Conditions are based directly on state and federal law and regulations and have been standardized for all individual industrial NPDES permits issued by the Department.

PERMIT ISSUANCE PROCEDURES

PERMIT MODIFICATIONS

The Department may modify this permit to impose numerical limitations, if necessary to meet Water Quality Standards for Surface Waters, Sediment Quality Standards, or Water Quality Standards for Ground Waters, based on new information obtained from sources such as inspections, effluent monitoring, outfall studies, and effluent mixing studies.

The Department may also modify this permit as a result of new or amended state or federal regulations.

RECOMMENDATION FOR PERMIT ISSUANCE

This proposed permit meets all statutory requirements for authorizing a wastewater discharge, including those limitations and conditions believed necessary to control toxics, protect human health, aquatic life, and the beneficial uses of waters of the State of Washington. The Department proposes that this proposed permit expire on June 30, 2009. This is for a period of less than 5 years but conforms to the Department's goal of managing permits in each water quality management area on a 5 year cycle.

REFERENCES FOR TEXT AND APPENDICES

Environmental Protection Agency. National Toxics Rule. Federal Register, V. 57, No. 246, Tuesday, December 22, 1992.

Environmental Protection Agency. Technical Guidance on Supplementary Stream Design Conditions for Steady State Modeling. USEPA Office of Water, Washington, D.C. 1988.

Environmental Protection Agency. Technical Support Document for Water Quality-based Toxics Control. EPA/505/2-90-001. 1991.

Environmental Protection Agency. Water Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants in Surface and Ground Water. EPA/600/6-85/002a. 1985.

Environmental Protection Agency. Water Quality Standards Handbook. USEPA Office of Water, Washington, D.C. 1983.

Foster Wheeler Environmental Corporation. Marine Industries Northwest, Inc., Tacoma, WA – Groundwater Monitoring Well Installation, Sampling and Testing Plan. October 1999.

Landau Associates, Inc. AKART Analysis Report – Marine Industries Northwest, Inc., Tacoma, Washington. March 18, 1996.

Landau Associates, Inc. Engineering Report - Remedial Action - Stormwater Collection, Containment, and Treatment System (Agreed Order 95TC-S362). June 28, 1996.

Marine Industries Northwest, Inc. Engineering Report Addressing Site Paving, Collection and Treatment of Stormwater, and a Covered Storage Area for Spent Abrasive Blasting Material as Required by Special Condition S.10.F of NPDES Permit #WA0040444. March 1995.

Marine Industries Northwest, Inc. Marine Railway, Drydock, and Pierside Vessel Best Management Practices Manual – Includes: Drydock BMPs, Marine Railway BMPs, Pierside Vessels BMPs, Solid Waste Control Plan, Liquid Waste Control Plan and Spill Control Plan. Revision 0. December 15, 1999.

Marine Industries Northwest, Inc. Waste Discharge Permit Compliance Manual – Includes: Stormwater System Operating Plan, Hydroblast Operating Plan, BMPs, Solid Waste Control Plan, Liquid Waste Control Plan and Spill Control Plan. May 1997.

Tsivoglou, E.C., and J.R. Wallace. Characterization of Stream Reaeration Capacity. EPA-R3-72-012. (Cited in EPA 1985 op.cit.) 1972.

Washington State Department of Ecology, 1993. Guidelines for Preparation of Engineering Reports for Industrial Wastewater Land Application Systems. Ecology Pub. No. 93-36.

Washington State Department of Ecology. Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities. Ecology Pub. No. 04-10-030.

Washington State Department of Ecology. Implementation Guidance for the Ground Water Quality Standards. Ecology Pub. No. 96-02.

Washington State Department of Ecology. Laws and Regulations Website. http://www.ecy.wa.gov/laws-rules/index.html.

Washington State Department of Ecology. Permit and Wastewater Related Information Website. http://www.ecy.wa.gov/programs/wq/wastewater/index.html.

Washington State Department of Ecology. Permit Writer's Manual. Pub. No. 92-109. 1994.

Washington State Department of Ecology. Stormwater Management Manual for Western Washington. Ecology Pub. Nos. 99-11 through 99-15.

Wright, R.M., and A.J. McDonnell. In-stream Deoxygenation Rate Prediction. Journal Environmental Engineering Division, ASCE. 105(EE2). (Cited in EPA 1985 op.cit.). 1979.

APPENDIX A--PUBLIC INVOLVEMENT INFORMATION

The Department has determined to reissue a permit to the applicant listed on page 1 of this fact sheet. The permit contains conditions and effluent limitations which are described in the rest of this fact sheet.

Public notice of application was published on May 16, 2004 and May 23, 2004 in *The News Tribune* to inform the public that an application had been submitted and to invite comment on the reissuance of this permit.

The Department published a Public Notice of Draft (PNOD) on November 22, 2004 in *The News Tribune* to inform the public that a draft permit and fact sheet were available for review. Interested persons were invited to submit written comments regarding the draft permit.

The Department considered all comments received within thirty (30) days from the date of public notice of draft indicated above, in formulating a final determination to issue, revise, or deny the permit. The Department's response to all significant comments is provided in Appendix C of this Fact Sheet.

Further information may be obtained from the Department by telephone, 360/407-6280, or by writing to the address listed above.

This permit and fact sheet were written by John Diamant, P.E.

APPENDIX B--GLOSSARY

Acute Toxicity--The lethal effect of a compound on an organism that occurs in a short period of time, usually 48 to 96 hours.

AKART-- An acronym for "all known, available, and reasonable methods of treatment".

Ambient Water Quality--The existing environmental condition of the water in a receiving water body.

Ammonia--Ammonia is produced by the breakdown of nitrogenous materials in wastewater. Ammonia is toxic to aquatic organisms, exerts an oxygen demand, and contributes to eutrophication. It also increases the amount of chlorine needed to disinfect wastewater.

Average Monthly Discharge Limitation --The average of the measured values obtained over a calendar month's time.

Best Management Practices (BMPs)--Schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the State. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may be further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

BOD_5--Determining the Biochemical Oxygen Demand of an effluent is an indirect way of measuring the quantity of organic material present in an effluent that is utilized by bacteria. The BOD_5 is used in modeling to measure the reduction of dissolved oxygen in a receiving water after effluent is discharged. Stress caused by reduced dissolved oxygen levels makes organisms less competitive and less able to sustain their species in the aquatic environment. Although BOD is not a specific compound, it is defined as a conventional pollutant under the federal Clean Water Act.

Bypass--The intentional diversion of waste streams from any portion of a treatment facility.

Chlorine--Chlorine is used to disinfect wastewaters of pathogens harmful to human health. It is also extremely toxic to aquatic life.

Chronic Toxicity--The effect of a compound on an organism over a relatively long time, often 1/10 of an organism's lifespan or more. Chronic toxicity can measure survival, reproduction or growth rates, or other parameters to measure the toxic effects of a compound or combination of compounds.

Clean Water Act (CWA)--The Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, 97-117; USC 1251 et seq.

Compliance Inspection - Without Sampling--A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations.

Compliance Inspection - With Sampling--A site visit to accomplish the purpose of a Compliance Inspection - Without Sampling and as a minimum, sampling and analysis for all parameters with limits in the permit to ascertain compliance with those limits; and, for municipal facilities, sampling of influent to ascertain compliance with the 85 percent removal requirement. Additional sampling may be conducted.

Composite Sample--A mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing discrete samples. May be "time-composite"(collected at constant time intervals) or "flow-proportional" (collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increased while maintaining a constant time interval between the aliquots.

Construction Activity--Clearing, grading, excavation and any other activity which disturbs the surface of the land. Such activities may include road building, construction of residential houses, office buildings, or industrial buildings, and demolition activity.

Continuous Monitoring –Uninterrupted, unless otherwise noted in the permit.

Critical Condition--The time during which the combination of receiving water and waste discharge conditions have the highest potential for causing toxicity in the receiving water environment. This situation usually occurs when the flow within a water body is low, thus, its ability to dilute effluent is reduced.

Dilution Factor--A measure of the amount of mixing of effluent and receiving water that occurs at the boundary of the mixing zone. Expressed as the inverse of the percent effluent fraction e.g., a dilution factor of 10 means the effluent comprises 10% by volume and the receiving water 90%.

Engineering Report--A document which thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report shall contain the appropriate information required in WAC 173-240-060 or 173-240-130.

Fecal Coliform Bacteria--Fecal coliform bacteria are used as indicators of pathogenic bacteria in the effluent that are harmful to humans. Pathogenic bacteria in wastewater discharges are controlled by disinfecting the wastewater. The presence of high numbers of fecal coliform bacteria in a water body can indicate the recent release of untreated wastewater and/or the presence of animal feces.

Grab Sample--A single sample or measurement taken at a specific time or over as short period of time as is feasible.

Industrial Wastewater--Water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated storm water and, also, leachate from solid waste facilities.

Major Facility--A facility discharging to surface water with an EPA rating score of > 80 points based on such factors as flow volume, toxic pollutant potential, and public health impact.

Maximum Daily Discharge Limitation--The highest allowable daily discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. The daily discharge is calculated as the average measurement of the pollutant over the day.

Method Detection Level (MDL)--The minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is above zero and is determined from analysis of a sample in a given matrix containing the analyte.

Minor Facility--A facility discharging to surface water with an EPA rating score of < 80 points based on such factors as flow volume, toxic pollutant potential, and public health impact.

Mixing Zone--An area that surrounds an effluent discharge within which water quality criteria may be exceeded. The area of the authorized mixing zone is specified in a facility's permit and follows procedures outlined in state regulations (Chapter 173-201A WAC).

National Pollutant Discharge Elimination System (NPDES)--The NPDES (Section 402 of the Clean Water Act) is the Federal wastewater permitting system for discharges to navigable waters of the United States. Many states, including the State of Washington, have been delegated the authority to issue these permits. NPDES permits issued by Washington State permit writers are joint NPDES/State permits issued under both State and Federal laws.

pH--The pH of a liquid measures its acidity or alkalinity. A pH of 7 is defined as neutral, and large variations above or below this value are considered harmful to most aquatic life.

Quantitation Level (QL)-- A calculated value five times the MDL (method detection level).

Responsible Corporate Officer-- A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures (40 CFR 122.22).

Technology-based Effluent Limit--A permit limit that is based on the ability of a treatment method to reduce the pollutant.

Total Suspended Solids (TSS)--Total suspended solids is the particulate material in an effluent. Large quantities of TSS discharged to a receiving water may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

State Waters--Lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Stormwater--That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a storm water drainage system into a defined surface water body, or a constructed infiltration facility.

Upset--An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, lack of preventative maintenance, or careless or improper operation.

Water Quality-based Effluent Limit--A limit on the concentration of an effluent parameter that is intended to prevent the concentration of that parameter from exceeding its water quality criterion after it is discharged into a receiving water.

APPENDIX C--RESPONSE TO COMMENTS

1. Comment from Marine Industries Northwest, Inc. (MINW)

   The Permittee submitted a comment regarding the draft version of this NPDES Permit in a letter correspondence dated December 18, 2004. The comment was in regards to Special Condition S4 titled "Sediment Monitoring (Marine)" of this Permit. The Permittee requested that this Condition be removed from the Permit since it is "inappropriate and unnecessary." The Permittee argues that monitoring of the sediments is currently being conducted as part of the post-cleanup efforts of the Middle Waterway – superfund site. As part of this effort an Operation, Monitoring, Maintenance Plan (OMMP) was approved by the US Environmental Protection Agency (EPA). The OMMP covers sampling and monitoring of the sediments at the 0 year, 3rd year and 5th year after cleanup was completed.

   The Department's Response to MINW's Comment

   The Permittee is correct in citing the approved OMMP, however, the purpose and intent of this NPDES Permit is to provide coordination and enhance the scope of work of the OMMP to monitor the activities of the Permittee to determine whether or not the sediments in the Middle Waterway are being re-contaminated. Therefore, Special Condition S4 will not be removed from the Permit. The Permittee is ultimately responsible for any violation of Surface Water Quality Standards, Groundwater Quality Standards, and/or Sediment Quality Standards. The Permittee has already been identified as a potential source of pollutants to the Middle Waterway. If the Permittee can demonstrate that the Permittee's activities have a negligible impact on the sediments of the Middle Waterway, then the number and types of pollutant parameters and the scope of the sediment monitoring plan can be reduced (as reasonable). The Department encourages the Permittee to coordinate long-term sediment monitoring with the OMMP. The Department will provide technical assistance and guidance for developing a Sediment Monitoring Plan.

2. Comment from the State of Washington Department of Natural Resources (DNR)

   The State of Washington Department of Natural Resources submitted a verbal comment to the Department of Ecology to ensure that booms are deployed before the drydock is lowered into the waterway. They are concerned about the release of low density, floatable material into the Middle Waterway originating from the drydock.

   The Department's Response to DNR's Comments

   The Department of Ecology agrees that this safeguard is beneficial for the protection of the water and sediment quality of Middle Waterway and has added this measure to Special Condition S3, Best Management Practice no. A.